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THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS:

APPLICATION OF INTERNATIONAL STANDARDS CONCERNING THE HUMAN RIGHTS OF DETAINED JUVENILES

Letter dated 26 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit to you annexed herewith* information on the applicability of international human rights standards to convicted juveniles in the Republic of Azerbaijan.

I would be grateful if you could circulate the present letter and the above-mentioned information as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under item 9 (b) of the provisional agenda.

(Signed): M.-A. MAMMEDOV
Chargé d'affaires a.i.

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* The annex is reproduced in Russian, as received, and in English only.

Annex

The Application of International Human Rights Standards to Convicted Young Offenders in the Azerbaijani Republic

Since the Azerbaijani Republic declared its independence and was admitted to membership of the United Nations, it has become an independent subject of international law and, having subscribed to various international legal instruments on human rights, has assumed obligations regarding their observance.

The Constitution of the Azerbaijani Republic, adopted by universal ballot (referendum) on 12 November 1995, spells out and secures practically all internationally recognized human rights and freedoms. Through its Basic Law, the State assumed the obligation to guarantee the protection of the rights and freedoms of all citizens.

In order to bring national legislation into conformity with the requirements of the new Constitution and those international legal instruments, substantial amendments and additions were made to - inter alia - the penal laws. The changes to the legislation in force made through the Law of 7 February 1997 greatly improved detention conditions for all convicted persons. Their rights and privileges were extended and numerous humiliating prohibitions were abolished. In the drafting of the Law, close attention was paid to the international legal instruments dealing with the treatment of convicted persons, including those concerning young offenders.

The main body of standards in this area is to be found in the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners and the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"). Practically all the recommendations of the above-mentioned international legal instruments are reflected in Azerbaijan's national legislation.

Firstly, from the moment of arrest and continuing after conviction, young offenders are kept separate from adults, which helps to protect them from the harmful influence of adult offenders. The penal detention of young offenders takes place in a separate, educational institution of the Ministry of Justice.

Secondly, the detention conditions for young offenders differ fundamentally from those for adults. Young offenders have greater rights and privileges than adults. Educational measures are at the heart of the penal detention process. This means that general education and professional and technical training are provided without fail. The administration draws up for each young offender an individual training and rehabilitation programme based on age, personality, needs, abilities and preferences.

The law creates optimum conditions for young offenders to maintain contact with their families. For example, they are entitled to weekly visits, to receive gifts sent by post or handed over directly and to make telephone calls.

Young offenders are granted annual leave of absence from the institution. In addition, they have better accommodation and social conditions and enjoy higher dietary and other welfare standards.

In accordance with the law, the State and other public bodies concerned with youth issues are involved as of right in the education and rehabilitation of young offenders.

The law has set limits to the penalties that may be imposed on young offenders. The use of special means of restraint and of weapons is prohibited under all circumstances.

The law contains preferential provisions regarding the early release of young offenders. Unlike adult offenders, all young offenders, whatever the severity of the offence, may, after serving at least one third of their sentence (at least one half in the case of adults), obtain early release.

In accordance with the legislation of the Republic, the work of young offenders in detention must not cause them any suffering; the interests of detainees are not subordinate to the goal of making a profit from their labour. In the organization of the work of young offenders, account is taken of their physical and mental abilities, as medically certified, and the work is directed towards fitting them for occupations which will help them on release to adapt easily to the conditions of life outside.

Young offenders who are granted conditional release receive the help they need and are monitored by the relevant State and other public bodies. If they have no parents or guardians, the State bodies take steps to place them in employment appropriate to their qualifications and find board and lodging for them. Where necessary, released young offenders are sent to children's homes or foster homes.

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